

REMARKS

Claims 50-52 and 56-60 are pending in this application, of which claim 50 has been amended. Claims 51, 56 and 60 have been allowed. No new claims have been added.

The Examiner has indicated that the IDS filed August 4, 2003 fails to comply with 37 CFR §1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Applicants do not understand why this IDS has not been considered, because Applicants' records indicate that the references cited therein were filed at and received by the USPTO along with the IDS. Applicants respectfully request that the Examiner explain his reason or reasons for not considering the IDS.

The Examiner has maintained from the previous Office Action of June 24, 2003 the 35 USC §102(b) rejection of claims 50, 52, 58 and 59 as anticipated by **Knowles et al.**

Applicants respectfully traverse this rejection.

As noted in Applicants' response of September 23, 2003, **Knowles et al.** discloses an automatic hand-supportable code symbol scanning device with improved laser beam pointing efficiency.

Figs. 1-2B clearly show that the grip of the optical reader does not extend beyond a lateral side of the stand member, in contrast to the present invention as shown in Fig. 65A and as recited

in claim 40 of the instant application.

Claim 50 has been amended to recite this distinction.

The Examiner has apparently disregarded the amendment to claim 50 consisting of “beyond a lateral side” because he has repeated his assertion that “the grip portion extends laterally in the gaps created by four walls of the stand” of **Knowles et al.** This may be true, but “extending laterally in the gaps” does not mean the same as extending laterally “beyond a lateral side of said stand member”, as recited in claim 50 of the instant application.

In any event, claim 50 has been amended to recite that the grip extends laterally outside a lateral side of said stand member.

Thus, the 35 USC §102(b) rejection should be withdrawn.

Claims 51, 56 and 60 have been allowed.

In view of the aforementioned amendments and accompanying remarks, claims 50-52 and 56-60, as amended, are in condition for allowance, which action, at an early date, is requested.


If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. **09/227,529**
Response to Office Action dated December 18, 2003

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures:

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